

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

<b>IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL No. 2327</b>
<b>THIS DOCUMENT RELATES TO ETHICON WAVE 3 CASES</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**DEFENDANTS' MOTION TO EXCLUDE  
CERTAIN GENERAL OPINIONS OF BOBBY SHULL, M.D.**

Defendants Ethicon, Inc., Ethicon LLC, and Johnson & Johnson (hereinafter "Defendants") move to exclude certain general opinions of one of Plaintiffs' experts, Bobby Shull, M.D., that are improper and/or are beyond his expertise as a urogynecologist. Specifically, Defendants request that the Court preclude Dr. Shull from: (1) Offering warning opinions, because he is not qualified to do so and such opinions are irrelevant and inadmissible; (2) Testifying that other synthetic mesh devices have fewer complications, because his opinions are irrelevant and/or unreliable; (3) Testifying about product design, alleged mesh degradation, and other biomaterials opinions, because he is not qualified to do so and such opinions are unsupported, unreliable, irrelevant, prejudicial, speculative and/or otherwise improper; (4) Speculating about the duties of a medical device manufacturer, because he is not qualified to do so and such opinions are unreliable, irrelevant, prejudicial, contain legal conclusions, and/or are otherwise inadmissible; (5) Providing general opinions about Prolene Soft as Dr. Shull has not provided a general report for Prolene Soft; and (6) Offering opinions beyond Dr. Shull's expertise, because he is not qualified to do so and such opinions are speculative and unreliable.

As grounds for this motion, Defendants submit that Dr. Shull cannot provide reliable, trustworthy and/or admissible testimony about these topics under the standard set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). In support of this motion, Defendants incorporate by reference the exhibits filed in support of Defendants' Wave 1 motion to exclude Dr. Shull. *See* Doc. 2052.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude the Testimony of Dr. Bobby Shull, M.D.

Respectfully Submitted,

/s/ Christy D. Jones

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CERTIFICATE OF SERVICE

I, Christy D. Jones, certify that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

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